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TAGS: [PREL](#) [PGOV](#) [IZ](#)
SUBJECT: DE-BA'ATH PUBLISHED -- CLOCK NOW TICKING

Classified By: Ambassador Ryan C. Crocker for reasons 1.4 (b) and (d).

[11](#). (C) Summary: Two separate sources report that the Law of Accountability and Justice (De-Ba'ath Reform) was published in the official gazette approximately two weeks ago (around February 14). Its publication begins the countdown on a 60-day (or 90-day) window for former Ba'athists covered by the law to apply for pensions or reinstatement. Unfortunately, the GOI has yet to iron out the logistics or regulatory guidelines required to implement the law. Post will continue to urge the Presidency Council and Prime Minister to take a strong leadership role to address many of these problems. End Summary.

[12](#). (C) According to two sources, including a member of the Gazette Office, the Law of Accountability and Justice was published in the official gazette on approximately February [14](#). Many Iraqis, even those within the GOI, are unaware that the law is now in effect. Post is confirming the exact date the law was published.

[13](#). (C) Publication of the law started the clock on the 60-day (or 90-day, if out of country) for former members of the Ba'ath party to apply for their pension or for reinstatement. However, without a functioning Commission created by the law, there is no available mechanism to accept or process these applications. Former Ba'athists who in theory are now eligible to apply for their pensions are thus stuck in a Kafkaesque situation: no one can tell them how or where to apply to do so. Post has flagged this problem with numerous GOI officials, including the head of the Presidency Council staff, Naseer al-Ani, as well as legal advisers to PM Maliki and Vice President Hashimi. All have been dismissive; Hashimi's staff, in particular, appears focused on "fixing" the law with a raft of amendments. One of these amendments would eliminate this window completely, although there is no guarantee that a Shi'a dominated COR is prepared to consider any amendments within the near future.

Comment:

[14](#). (C) If the GOI does not move quickly to rectify the lack of implementing regulations, nearly all of the ostensible beneficiaries of the law will likely miss the opportunity to apply for their pension rights or reinstatement. Post will continue to engage the GOI at the highest levels to urge that the Council of Ministers name seven respected, non-partisan members to the Commission; propose an exemption (per Article 12 of the law) for all those in the former security agencies, the Presidency Council, the judiciary, or the Ministries of Finance and Foreign Affairs, who have helped to rebuild the GOI; and to find a way to toll the 60-day (or 90-day) filing window until implementing regulations have been issued.
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